

## National Aeronautics and Space Administration

1822.101-1

exceeding \$500,000 (\$1,000,000 for construction) that offer subcontracting opportunities.

(b) The contracting officer shall insert the clause at 1852.219-79, Mentor Requirements and Evaluation, in contracts where the prime contractor is a participant in the NASA Mentor-Protégé Program.

### PART 1822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 55755, Oct. 29, 1996, unless otherwise noted.

#### 1822.000-70 Scope of part.

(a) Contracting officers shall consult with the installation labor relations advisor or designee when taking any of the actions prescribed or authorized in FAR part 22 or part 1822.

(b) Proposed actions having a substantial impact on the activities of NASA or other Government agencies shall be approved by the Headquarters Contractor Industrial Relations Office (Code JLR).

#### Subpart 1822.1—Basic Labor Policies

##### 1822.101 Labor relations.

##### 1822.101-1 General. (NASA supplements paragraph (d))

(d) When a strike that may have an adverse effect on NASA programs is imminent or in progress at a prime contractor's or subcontractor's plant, contracting officers shall:

(i) Advise both the prime contractor and the head of the union local in writing of the expected impact of the strike on NASA programs and of the actions NASA is considering to protect the Government's interest and prevent delay in the accomplishment of NASA's mission. If the strike is in a

subcontractor's plant, the subcontractor may be approached only through the prime contractor;

(ii) Explore the possibility of locating other sources for the supplies or services to have been provided by the strike-threatened plant; and

(iii) Consider taking the actions described in FAR 22.101-4.

#### **1822.101-3 Reporting labor disputes.**

Reports of potential or actual labor disputes affecting NASA acquisitions, operations, or services shall be submitted to the Headquarters Contractor Industrial Relations Office (Code JLR). These reports shall be made as early as possible and shall include immediately available information. Supplemental reports shall be made to provide appropriate additional information. Reports shall described at a minimum:

(1) The nature of the potential or actual dispute, including whether a strike, lockout, slow-down, shut-down, or picketing is involved and the degree of emergency presented;

(2) The character, quantity, and importance of the supplies, operations, or services involved, including scheduled performance and delivery dates and their relationship to the total acquisition program;

(3) The identity and location of the parties to the dispute and their representatives, including the approximate number of employees involved;

(4) The need for and availability of alternative resources to furnish the items involved within the time required;

(5) Any critical items that should be removed from the plant or work site or should continue to be processed there with the consent of the parties to the dispute; and

(6) Recommended action to be taken by NASA.

#### **1822.101-4 Removal of items from contractors' facilities affected by work stoppages. (NASA supplements paragraph (a))**

(a) (3) The contracting officer shall obtain approval from Code JLR for any contemplated action.

#### **1822.101-70 Admission of labor representatives to contract sites.**

NASA activities may not prevent the access of labor union representatives to contract sites for the conduct of union business if their activities are compatible with safety and security regulations and performance of the contract work involved.

#### **1822.103 Overtime.**

##### **1822.103-4 Approvals. (NASA supplements paragraph (a))**

(a) The contracting officer is authorized to approve overtime premiums at Government expense. If two or more contracting offices have current contracts at a single facility and approval of overtime by one will affect the performance or cost of contracts of another, the approving official shall obtain the concurrence of other appropriate approving officials and seek agreement as to the contracts under which premiums will be approved. In the absence of evidence to the contrary, a contracting officer may rely on the contractor's statement that approval will not affect performance or payments under any contract of another contracting office.

#### **Subpart 1822.3—Contract Work Hours and Safety Standards Act**

##### **1822.302 Liquidated damages and overtime pay. (NASA supplements paragraphs (c) and (d))**

(c) The Director of the Headquarters Contractor Industrial Relations Office (Code JLR) is the agency head designee.

(d) Disposal of funds withheld or collected for liquidated damages shall be in accordance with direction of the Director of Code JLR.

#### **Subpart 1822.4—Labor Standards for Contracts Involving Construction**

##### **1822.400-70 Contacts with the Department of Labor.**

All contacts with the Department of Labor required by FAR subpart 22.4

shall be conducted through the Headquarters Contractor Industrial Relations Office (Code JLR). Contracting officers shall submit all pertinent information to Code JLR in support of the required contacts.

**1822.404-3 Procedures for requesting wage determinations.**

Contracting officers shall submit requests for project wage determinations to Code JLR at least 55 days (70 days if possible) before issuing the solicitation.

**1822.406-8 Investigations. (NASA supplements paragraphs (a) and (d))**

(a) The contracting officer is responsible for conducting investigations of labor violations relative to contracts under his/her cognizance.

(d) Reports of violations shall be sent to Code JLR.

**1822.406-9 Withholding From or suspension of contract payments. (NASA supplements paragraph (c))**

(c)(4) Code JLR shall determine the disposal of funds.

**1822.406-13 Semiannual enforcement reports.**

Procurement officers shall submit semiannual enforcement data within 20 days after the end of the specified reporting periods to the Headquarters Office of Procurement (Code HK). Negative statements are required.

**Subpart 1822.6—Walsh-Healey Public Contracts Act**

**1822.604 Exemptions.**

**1822.604-2 Regulatory exemptions. (NASA supplements paragraph (c))**

(b) Requests for exemptions shall be submitted in writing through the contracting officer to the Headquarters Contractor Industrial Relations Office (Code JLR).

[61 FR 55755, Oct. 29, 1996, as amended at 62 FR 36713, July 9, 1997]

**Subpart 1822.8—Equal Employment Opportunity**

**1822.804 Affirmative action programs.**

**1822.804-2 Construction. (NASA supplements paragraph (b))**

(b) The Headquarters Office of Procurement (Code HK) will furnish each procurement officer the listing.

**1822.807 Exemptions.**

Requests for exemption pursuant to FAR 22.807(a)(1), (a)(2), or (b)(5) shall be sent to the Headquarters Office of Procurement (Code HS).

**1822.810 Solicitation provisions and contract clauses. (NASA supplements paragraph (e))**

(e) If an offeror completes a negative representation under FAR 52.222-22, the contracting officer shall obtain the information required by FAR 52.222-26(b)(7) within 30 days of contract award. The information shall be held in confidence as privileged information in accordance with 32 CFR 286.6(b)(4).

**Subpart 1822.10—Service Contract Act of 1965**

**1822.1001 Definitions.**

*Agency labor advisor* is the Director of the Headquarters Contractor Industrial Relations Office (Code JLR). All contacts with other agencies required by FAR subpart 22.10 shall be conducted through Code JLR. Contracting officers shall submit all pertinent information to Code JLR in support of the required contacts.

**1822.1008 Procedures for preparing and submitting Notice (SF 98/98a).**

**1822.1008-270 Additional information for the preparation of SF 98/98a.**

The information listed in this section by item number shall be furnished, in addition to that required by the SF 98/98a:

(a) Item 6. Insert on the far left side of the block the code identifying the type of proposed action:

Code	Proposed action
I	New contract (use <i>only</i> when services are not presently being performed).

Code	Proposed action
II	Recompetition of services.
III	Contract modifications affecting the scope of the work.
IV	Extension of contract performance through exercise of an option or otherwise.
V	Other. When a multiple year contract (funding is not subject to annual appropriation) is to be entered into, specify "multiple year R&D funded" on the SF 98.

(b) Item 8. (1) If the proposed contract will be awarded under Section 8(a) of the Small Business Act, insert both the Small Business Administration and the name of the subcontractor.

(2) If no wage determination is available for the particular contract, insert "None" in Item 8.b.

(c) Item 10. Add the solicitation number.

(d) Item 12. (1) When entering into a new service contract, list all classes of work expected to be performed under the contract under this item, regardless of whether the class of employees is considered professional, executive, administrative, or hourly. However, if submission of the SF 98/98a is in connection with any action other than a new contract (Code I in paragraph (a) of this subsection), list only the classes of work that the incumbent indicates are "nonexempt."

(2) When classifications include both categories of employees covered by a collective bargaining agreement and those not represented by a union, mark the classifications that are unionized with an asterisk.

(3) If the classification of work is not known, use the most descriptive job title available for the work to be performed under the contract.

(e) Item 13. If the number of employees is not known, the estimated hours required to perform the tasks should be indicated so that staffing estimates can be determined and listed.

(f) Item 14. Include in this item the wage rates that would be paid if the employees were subject to 5 U.S.C. 5332 (GS grades).

**1822.1008-7 Required time of submission of Notice. (NASA supplements paragraphs (a), (b), (c), and (d))**

(a) Contracting officers shall submit the notices to Code JLR at least 70

days before initiating the associated contract actions.

(b) When the circumstances in FAR 22.1008-7(b) apply, contracting officers shall submit the required notices to Code JLR at least 40 days before initiating the associated contract actions.

(c) Contracting officers shall contact Code JLR before initiating any action when the circumstances in FAR 22.1008-7(c) and (d) apply.

(d) See paragraph (c) of this section.

**Subpart 1822.13—Special Disabled and Vietnam Era Veterans**

**1822.1303 Waivers. (NASA supplements paragraph (c))**

(c) Requests for waivers shall be submitted to the Associate Administrator for Equal Opportunity Programs (Code E).

**1822.1306 Complaint procedures.**

Contracting officers shall submit all complaints to the Associate Administrator for Equal Opportunity Programs (Code E).

**Subpart 1822.14—Employment of the Handicapped**

**1822.1403 Waivers. (NASA supplements paragraph (c))**

(c) Requests for waivers shall be submitted to the Associate Administrator for Equal Opportunity Programs (Code E).

**1822.1406 Complaint procedures.**

Contracting officers shall submit all complaints to the Associate Administrator for Equal Opportunity Programs (Code E).

**PART 1823—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORK-PLACE**

**Subpart 1823.1—Pollution Control and Clean Air and Water**

Sec.

1823.106 Delaying award.

1823.107 Compliance responsibilities.